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January 13, 2013

By: Electronic Filing

Hon. Patty Shwartz
United States District Court
District of New Jersey
Martin Luther King Building
50 Walnut Street, PO 10
Newark, New Jersey 07101

Re: *Sperry Associates Federal Credit Union*
v.
CUMIS Insurance Society, Inc.
Civil Case No. 10-00029

Dear Judge Shwartz:

As Your Honor is aware this office represents Sperry Associates Federal Credit Union (“Sperry”) in the above captioned matter. Pursuant to the Pre-trial Order, Sperry writes to inform the court as to whether or not the parties agree to submit Sperry’s request for extra-contractual damages to binding arbitration.

Counsel for Sperry has attempted to confer with their client on this issue; however the CEO of Sperry resigned prior to advising as to how Sperry wished to proceed. A new CEO has been appointed but we have not yet been able to discuss the issue with them. Accordingly, we respectfully request that Your Honor extend Sperry’s time to report on this matter for two weeks until January 22, 2012. We have advised CUMIS of this request and they have no objection.

Respectfully,



Kenneth J. Pagliughi
Scott A. Rosenberg, PC

cc: Counsel of Record by Electronic Filing